Tribune. No constituency is as important to the advertiser as is

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WEATHER TODAY-Rain.

SALT LAKE CITY, UTAH, FRIDAY MORNING, MARCH 27, 1908.

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POLYGAMOUS MORMONS NOT ELIGIBLE TO VOTE UNDER LAW

Supreme Court of Idaho Hands Down Sweeping Opinion in Case of Toncray vs. Budge.

CONSTITUTIONAL TEST OATH IS DECLARED TO BE SELF-EXECUTING

Way Now Open for Loyal Idahoans to Effect the **Downfall of Church Organization** in "Gem" State.

We conclude that the framers of the Constitution, and the people in ts adoption, in employing the words bigamous, polygamous, plural, electial and patriarchal marriages meant and intended to prohibit and forbid a man having more than one wife at any one time under whatyer name or designation he might choose to style his marriage; and that the use of each of those words was directed against bigamous and polygamous marriages. A celestial or patriarchal marriage, therefore, n order to come within the provision of the Constitution must be bigamous or polygamous.

One who teaches or practices having more than one wife at any one time or belongs to an organization that teaches such a doctrine is disqualified for the duties of an elector, and consequently for holding any civil office under the laws of this State.

> SUPREME COURT OF IDAHO. Dudley D. Toncray versus Alfred Budge.

supreme court of of Dudley D. Tonvs. Alfred Budge, a Mormon, the fifth judicial district was cononstitution, the test oath, declares "patriarchal" can construed legally to mean 'fbiga-

or teach such forms of teaching such relations, are disil offices or serving as jurors. The

Toneray began his contest of Budge's ion in 1906, in the sixth district I rt, the decision favoring the defendon the ground that the court was ut jurisdiction. The plaintiff ap-, and the supreme court sustains. In and the supreme court sustains fifth district court on the proposal of jurisdiction, but in deference stipulation, of the attorneys of sides requesting it to take judinative of all questions involved, court rendered a broad decision opinion is written by Chief Justice ite and is concurred in by Assolution follows in full:

Colestal Marriage

Colestal Marriage

Celestial Marriage.

Celectial Marriage.

We have been urged by the eminent distinguished counsel on both sides this controversy that whatever view is may take of the jurisdictional questa just considered, that we also passes and define the terms "celestial" patriarchal" marriages as they are ed in the above quoted section of the outlinton. We appreciate the fact that he case might be determined and distinction of the outlinton. We appreciate the fact that he case might be determined and distinction. On the outlinton we appreciate the fact that he case might be determined and distinction of the outlinton. We appreciate the fact that he case might be determined and distinct of the commandation of the sufficiency of the demurrer as setting defendant with celestial and parachal marriage, and the demurrer as setting defendant with celestial and parachal marriage, and the demurrer as setting defendant with celestial and parachal marriage, and the demurrer as setting defendant with celestial and parachal marriage, and the demurrer as setting defendant with celestial and parachal marriage and the demurrer as setting defendant as the present of the court. Under that conditions are rectly raised and have been fully presently asked on the court. Under that condition is little of the proceeding we are inclined the felled that we should pass upon a sating of the proceeding we are inclined the felled form obliter dictum. Buck-face, and the felled find with the construction of the court of the court of has reported as and of the high attainments and massional standing of the respective attains and of the high attainments and allegalous tends of the further contention and particular them that the question involved of such general public importance that views of these considerations and of the further contention and the light examined the

Ith more than usual care and and we briefly express the feached by our research and Test Onth Self-Executing.

est Oath Self-Executing.

Grat place, it is urged by apand admitted by respondent that it of article 6 of the constitution operative and self-acting and prohibitory provisions constitution as self-executing.

Herrick, 12 idaho, 1, Day vs. 3 idaho, 55%; Cunningham vs. 3 idaho, 155.

ines no argument nor citation fits to establish the proposition il founded legal conclusion that can exercise the elective fran-

chise, serve on a jury or hold office who comes within the inhibitations of section 3 of the "Suffrage and Elections" article of the constitution. In such case the only leading to be made in Town the deof the constitution. In such case the only inquiry to be made is: Does the defendant come within the constitutional enumeration of prehibited persons or classes as charged in the complaint?

On February 3, 1885, the Territorial Legislature passed an act regulating elections within the Territory and prescribing the qualifications of electors, and section 16 of the act contained what has been popularly known ever since as the "Test Oath" (Sess. Laws. 1885, p. 110.) At that time it was generally conceded we believe, even by the Mormen authorities and ecclesiastics themselves, that higanity, polygamy and plural and celestial marriage was a tent of the Church of Jesus Christ of Latter-day Saints and was taught by it and practiced by some of its members.

was taught by it and practiced by some of the same of doctrine or creed or practiced the cipies thus taught should be allowe elective franchise or to bold franchise or to hold any office of profit or trust.

Intent of Provision.

The test oath provision was incorporated into section sot of the revised statutes of 1887, and its substance was also embodied into section 501 of the same code. In 1889 the case of Davis vs. Benson was taken to the Supreme Court of the United States, where it was argued in December of that year. In that case it was contended that the statute of Idaho was in controvention of the first amondment of the Constitution of the Intel States and was an unjudged in the amondment of the Constitution of the United States, and was an unlawful and unwarranted interference with religious toleration.

The Supreme Court denied that con-tention and sustained the acts of the

The Supreme Court denied that contention and sustained the acts of the Territorial Legislature, and that decision would equally apply at this time to the validity of the constitutional provision now under consideration. Section 3 of article 6 of the constitution prescribes substantially the same qualifications for electors as was required by the foregoing Territorial statutes. We must now determine the meaning of the language used in this section in the light of conditions as they existed at the time the constitutional convention was in session in July 1832.

As said by the Supreme Court of the United States in Maxwell vs. Dow, 176 U. S. 601, 44 L. Ed. 395. "The safe way is to read its language in connection with the known condition of affairs out of which the occasion for its adoption may have arisen, and then to construe it, if there be therein any doubtful expressions, in a way, so far as is reasonably possible, to forward the known purpose or object for which the amendment (constitutional) was adopted. See 8 Cyc. 75c, and cases cited.

It would be useless to go to dictionaries and lexicons for definitions of such words and lexicons for definitions of such words.

It would be useless to go to dictionaries and lexicons for definitions of such words and terms as "celestial marriage" and "patriarchal marriage" as here used in the organic law of the State. We are now removed nearly nineteen years from the time about which we must luquire as to the social, civil and political conditions that confronted the constitutional convention and the people of this Territory, and for that information we must turn to the public history of the day as it can be gathered from the press, public writings and current literature of that time, alded by whatever memory we may have left us to the occurrences of those days.

Object of Constitution.

he principal and primary object of people and their representatives in constitutional convention was to sup-ss and forever outlaw and discountethe constitutional convention was to suppress and forever outling and discountenace higamy and polygamy within the State of Idaho, under whatever name or designation it might be given or under whatever doctrine or creed it might be recognized, taught or practiced by any person or organization. So when the convention came to writing section 3 of the article on "suffrage and elections" they were confronted by the fact that while in the language of legislatures, courts and law writers, anything which looked like having more than one wife at one and the same time, was defined as bigamy or polygamy nevertheless, this organization of Latter-day Saints, commonly called the Mormons, was employing and using other terms and expressions concerning the markial relation and which terms might also signify bigamy and polygamy; so the convention included Captinued on Page Two.

Continued on Page Two.



GENERAL HORNE NOT GUILTY, IS VERDICT

of Kansas City Post Held to Be Insane.

KANSAS CITY, March 26.-General Richard C. Horne was acquitted of the charge of murdering H. J. Groves, man aging editor of the Kansas City Post. by a jury in the Criminal court tonight.

The verdict stated that General Horne was insane when he shot Groves and has not fully recovered, and commits him to an asylum.

General Horne, on November 23, last after he had been notified that his services were no longer needed by the paper, shot and wounded O. D. Woodward, theatrical manager and president of the Kansas City Post, an evening paper, and H. J. Groves, the managing edi-tor, in the editorial office of the pa-per. Immediately after the shooting General Horne turned to witnesses and

'I've been robbed.'' One Wound Fatal.

Groves died a week later from the effects of his wound. Woodward recov ered. It was the contension of the de fense that General Horne was insanat the time of the shooting, a condi-tion that was brought on by the fact that he had put everything he possessed into the Post, and lost not only his small fortune but his position of edi-torial writer, which paid \$25 a week, and which was his only means of lively

General Horne was a brigadier-gen General Horne was a brigadier-general on the staff of Governor William J. Stone. He is one of the oldest and best known editors in Missouri and comes of a splendid family. He has taken an active part in Democratic politics for many years. The jury retired at midnight last night, but the jurors were so fatigued that they retired immediately and only began haljurors were so fatigued that they re-tired immediately and only began bal-

KANSAS CITY BANK OF COMMERCE WILL REOPEN

KANSAS CITY, March 26.—All the requirements laid down by the comptroller of the currency for the reopening of the National Bank of Commerce, of this city, were complied with when Receiver George T. Cutts today received \$2,870,000 in cash from a syndicate which took over all the slow paper of the bank and all the assets termed "bad" by the government of ficials. The bank will open next Monday with forty-seven per cent of its day with forty-seven per cent of its deposits in its vaults and with Comp-

Noted Singer Weds.

CINCINNATI. O. March 26.—Madame Rosa Olitaka, a leading contraits with the San Carlo Opera company, which is ap-pearing here this week, was married to-day to Louis J. Sinat, general agent of an insurance company at Chicago.

PUNISHED FOR CRIME;

Man Who Shot Managing Editor | Confessions of Negro Place New Phase on Famous Collins Murder Trial.

> EMPORIA, Kan., March 26 .- Louis T. W. Archer, a negro of this county who recently was released from the penitentiary after serving a sentence for assault with a deadly weapon, has written a book on the famous John Collins murder trial, in which he alleges that an offer

trial in which he alleges that an offer was made to him together with two other negroen to kill Collina's father. He asserts that John Collins, who is now serving a life sentence for the murder of his father, is guiltless. Archer says that he would have appeared at the trial and made public what he knows if he had not been confined in the penitentiary.

The Collins murder trial was one of the most sensational ever held in Kansas. J. S. Collins of Topeks, a wealthy real estate man, was murdered in his home on May 13, 159, supposedly by robbers. His son John Collins, then a student at the Kansas university, was arrested, charged with the murder, and was convicted upon the testinony of two negroes. The State charged that Collins had murdered his father to gain an inheritance, that he might marry a wealthy young woman. Collins always stoutly maintained his innocence, and it was shown at the trial that he and his father. oung woman. Collins always stoutly naintained his innocence, and it was hown at the trial that he and his father yere on the most friendly terms. An effort will be made to secure a par-on for Collins.

JAPANESE MAY ERECT MONUMENT TO STEVENS

SAN FRANCISCO, March 26 .- There s a movement on foot among the Japanese to erect a monument to Durham W. Stevens, the American advisor to the Korean council of state, who died last night from the bullet of a Korean. Japanese commenced going about among their fellow countrymen this morning, broaching the idea and sug-gesting that subscriptions be forthcom-ing. The proposition is still in the tentative stage, but judging from the feeling which the Japanese showed to ward the dead American, there will be no difficulty in bringing it to accom-

Whether the monument shall be erected in this city, in Tokio, or in Scoul, or in the theater of Stevens's serices to Japan, has not yet been de

Wang Chaeng and Ming Wun Chun, the Koreans who elected to kill Dur-bam W. Stevens for what they con-sidered his treachery to the hermit king dom, were this morning charged with murder. They must face trial for their deed in the courts of this city. Held in detinue pending the struggle for life which the courageous dipleman made. which the conrageous diplemat made the two men were charged on the police blotter as soon as news of the end was conveyed to police headquarters.

Battleship Idaho Completed

PHILADELPHIA, March 26 .- Th battleship Idaho was today formally turned over to the government by the Cramp Ship & Engine Building comand will shortly be placed in commission.

Unofficial Reports Say That Amount Will Be in Neighborhood of \$50,000,000.

NEW YORK, Mach 26 .- The directors of the Union Pacific Railroad company met here teday. At the conclusion of their meeting an official statement was made announcing that the stockholders will be called to meet on May 5, to authorize an issue of bends, amount not stated, to be secured by mortgage on the company's unmortgaged lines, including the Leavenworth, Kansas & Western, and the Topeka & Northwestern. The stockholders will be asked to ratify the taking over of these two roads by the Union Pacific. It is said that the amount of bond issue has not yet been determined.

It was reported unofficially that prehminary steps were taken looking to the issue of from \$40,000,000 to \$50, 000,000 in bonds 900,000 in bonds. This issue, it was stated, would provide for the company's financing for a considerable period, and only a portion of the bonds would be offered in the near future.

The directors of the Union Pacific issued a statement refusing the demand of L. A. Storers, H. R. Buck, W. A. Arnold and A. C. Bates, stockholders of the roud, that actions at law or in This issue, it was

noid and A. C. Bates, stockholders the road, that actions at law or in equity be commenced against E. H. Harriman, H. H. Rogers and James Stillman on account of some liability to the Union Pacific, claimed to have srison in connection with the purchase by the Union Pacific of stock of the Illinois Central Railroad company, the Railroad Scenrities company, and St. Joseph & Grand Island company.

SPECIAL RAILROAD RATES FOR DENVER CONVENTION

CHICAGO, March 26 .- Western rail CHICAGO. March 26.—Western railroads today announced that during the National Democratic convention, special rates will be put in effect as follows:

The round trip between Chicago and Denver, \$30; between St. Louis and Denver, \$25, and between Omaha and Kansas City and Denver, \$17.50.

The tickets going will be good for thirty days from date of sale and will be good reurning until October 31. Stopovers will be allowed at and west of the Missouri river at any point within the Missouri river at any point within thirty days from date of sale, and on the return trip, at and west of the Missouri river, at any point within the final limit of the ticket. e tickets will be on sale any time after June 1.

Idaho Land Withdrawn.

Special to The Tribune WASHINGTON, March 26,-About 266 WASHINGTON, March 26.—About 200 acres of land near the Minidoka irrigation project in southern Idaho have been withdrawn from all forms of disposition under the public land laws pending a thorough examination to determine whether it will be possible to irrigate the tract or any portion of it by a pumping system worked by a power generator at Minidoka dam.

SAMUEL C. WING COMMITS SUICIDE

Takes His Own Life in the Atlas Block.

LEAVES NOTES TO FRIENDS AND ONE FOR HIS WIFE

Ill-Health Is the Only Reason That Can Be Assigned for the Act.

Samuel C. Wing, of 1809 Eleventh East street, a prominent and widely known real estate and insurance agent, was low-spirited because he was a vicstantaneous.

Entering the barber shop, apparently almost 700,000 pounds of wool. cheerful, about 11:45, Wing walked to the third chair and jocularly re-marked to M. A. Corbin, his tonsorial artist for the past year, as he climbed into the chair. into the chair:

"Give me a real close shave—one that will do for a funeral or a wed-

While he was being shaved. Wing chatted with Justive Ivie, one of the proprietors of the shop, about mining stock in which he was interested, particularly East Crown Point stock, and remarked that if he were to sell then he would make a handsome profit. He showed no nervousness while he was in the shop.

ie shop. His shave finished he gave Corbin 25 onis stave inished he gave Coroni 25 conts extra, larger than his usual "tip" and left the shop by the rear door that leads int on corridor. Walking rest lessly up and down the corridor two or three times, he drew the newly-bought revolver from his pocket, placed the muzzle in his mouth and pulled the trigger. Tere was an explosion, followed by a heavy fall.

Men Prest to Scene

Men Rush to Scene.

Men Rush to Scene.

Iumatés of the barber shop and others in the Atlas block corridors heard the shot and fall and rushed to the scene. Wing was found lying upon his back, his head toward the northeast, with blood issuing in streams from his mouth and nose. Resting upon his left arm was the deadly revolver, still smoking. The police were notified and Chief of Police Pitt and Policemen Golding and George Moore responded to the call. Acting Coroner Dana TT. Smith was notified and the body taken to O'Donnell's parlors. In the dead man's pockets were two scaled notes, one marked personal and adressed to Mrs. Wing, and the other inscribed as follows:

'ToT be opened at once.'

This note was dated March 25, the

This note was dated March 25, the preceding the suicide, and read as

"Please deliver my body to S. D. Evans (undertaken) and notify Max-well R. Brothers, 1172 East First South street (Independent phone, 2022) and John D. Bransford, of The Tribune, who will notify my family, and deliver letter in my pocket to Mrs. Wing personally.

Mr. Bransford, a native of Wing's home town, Owensbore, Ky., and warm, personal friend for years, wa notified at once and hurried to the un

notified at once and hurried to the undertaking parlors. He was one of the first to identify the dead man and was deeply affected by his end.

'I knew him for thirty or thirty-five years.' he said. "We were reared together and were schoolmates in Kentucky years ago. His father and my father were associated together in business. How can I tell his family of his death?'

Breaks News to Widow.

Taking Wing's personal letter, ad-dressed to Mrs. Wing Bransford went to the Wing home, out near the State prison, and broke the news as gently as possible to her. At first she as possible to her. At first she was told over the telephone that her husband had been accidentally shot and probably fatally wounded. The shock of the information threw her into hysteries, but she soon recovered and Bransford then told her that Wing had committed suicide. The information prostrated her and she is in a serious condition.

The personal letter from Wing to Mrs. Wing was not given to the press, but it is understood that it was merely instructions and information as to the disposition of the dead man's property and a good by to her.

and a good by to her.

Upon the reading of the first note,
Coroner Smith ordered the body transferred from O'Donnell's pariors to
Evans's pariors. There the dead man's Evans's parlors. There the dead man's pockets were researched and further in disputable evidence that Wing fully premeditated self-destruction was found. His pockets gave up, among other things, a receipt from the Salt Lake Hardware company for \$6.80 for the revolver with which he killed him self, and a box of cartridges, itemized as follows: Revolver, \$6.25; carcridges, 55 cents. The sales slip or receipt was dated March 25, showing that he purchased the revolver and cartridges the day he wrote the notes giving instructions as to the disposition of his body and the farewell to his wife.

The other contents of his pockets were a bunch of keys 60 cents in silver, and an English pocket piece.

Wing was a member of one of the est families of the Blue Grass State, and in point of service was the oldest attache of the Saft Lake branch of the Mutual Life Insurance company of New York, with offices on the second floor of

Continued on Page Two.

SHEEP SHEARING HAS COMMENCED

Well-Known Insurance Man Busy Times at the Lofgreen Corrals on Salt Lake Route.

> SHEEPMEN HIGHLY ELATED OVER CONDITION OF FLOCKS

Considerable Uncertainty Prevails as to What Turn Wool Market Will Take.

Sheep shearing commenced in real earnest at the Lofgreen corrals on the Sait Lake Route Thursday, J. H. sixty one years old, took his own life Manderfield, traveling freight agent for in the Atlas block at 11:45 o'clock the Salt Lake Route, brought in word Thursday morning. He blew his brains that about 90,000 head of sheep, most out with a newly purchased revolver in of which are from Wasatch and Sumthe corridor in the rear of the Atlas mit counties, have been contracted to barber shop, 34 West Second South. He shear at this point It is estimated that the fleeces will average from seven to tim of Bright's disease. Death was in eight pounds. This will mean that the clip from these two counties will total

Sheepmen are highly elated as a result of the excellent condition in which the flocks are coming off the winter ranges, and say the quality of the wool is of a higher standard than they have been able to produce for several sea-sons. Frobably never before in the his-tory of sheep raising in Utah has a clip been as uniformly clean as it prom-ises to be this year. This means bet-ter prices and will go a long way toward offsetting the decline the woot market has suffered during the past several months.

A. S. Erickson, representing the B. Harris Wool company, has received word that shearing will be commenced at Fairfield, on the Salt Lake Route, probably March 28, and not later than March 29, and that in the marchine. 29, and that in the neighbor hood of 110,000 head will shear at that

The major portion of these sheep will The major portion of these sheep will be from Utah county, and it is thought they will shear wool of an equal qual-ity and probably as many pounds to the head as the sheep from Summit and Wasnich counties at Lofgreen. The Eastern wool buyer thus far has been conspicuous by his absence, for the reason that shearing has been com-menced from a week to ten days earlier

menced from a week to ten days earlier this season than previously. This is due to the fact that flock masters have been striving for early lambs and are anxious to get the shearing over before the lambing season commences. Buyers who are not on the ground, and therefore not familiar with changing local conditions, were evidently not aware of this intention on the part of litch shearing and aware of this intention on the part of Utah sheepmen and so thus far have have not put in an appearance. Considerable uncertainty prevails as

just what turn the wo conditions seem to be improving some what the market for old wools is very sluggish and wool dealers carrying over large quantities of last season's elip are having a hard time to dispose of wools on hand. Late reports from Boston indicate that many of the large firms have found it necessary to dispose of wools bought at a high figure last season at a heavy loss.

This situation does not, however, ma-terially affect the market for new wools, for the reason that mill representatives, buying for 1908 consump tion, in anticipation of a better quality of wool this season than last, are looking forward to the arrival on the Eastern market of shipments of this sea-son's clip, and it is generally conceded the wise wool grower will be he who gets his product on the Eastern ket at the earliest possible date.

RENEW INVESTIGATION OF BOISE LAND FRAUDS Special to The Tribune.

BOISE, Idaho, March 26.—Assistant United States Attorney Generals Pey-ton Gordon and William R. Harr, de-tailed by the department of justice to have charge of the investigation of the have charge of the investigation of the Boise basin land fraud cases, which it recently ordered resubmitted to a federal grand jury here, the same having been thrown out of court by a decision of Judge Whitson, have arrived in the city. They immediately got down to work and are now going over matters in connection with the cases. Concerning the matters before them, they had practically nothing to say. They had practically nothing to say. They
had practically nothing to say. They
did say they had come here to look
into the matters impartially, entirely
unbiased or influenced by anybody and
independent of everybody. United
States Marshal Rounds and Deputy Bryon are now summoning witnesses who will no doubt be called not later than

Friday.

Judge Dietrich of the federal court has just handed down a decision sus-taining the demurrer to the complaint in the case of the United States vs. the oregon Short Line, to collect a penalty for a violation of the 28-hour law on the ground that the plaintiff did not allege that the defendant "knowingly confined live stock in cars in transit in excess of 28 hours, the limit.

SHOT BY OFFICER AFTER NIGHT'S CAROUSAL

were a bunch of keys 60 cents in silver and an English pocket piece.

The revolver with which he killed himself is an Iver Johnson 32-caliber, street and Calumet avenue early today with a built through his head. He is himself at the street and calumet avenue has death from believed to have met his death from wounds inflicted by a policeman who tried to arrest him after he and two companions had beaten a cah man, stolen his cab and held up and robbed two pedestrians in the course of a wild dash through the streets of the worth dash through the streets of the north and west sides of the city.